

IN RE: PETITION FOR SPECIAL HEARING
S/S Powers Lane at Dlong Road,
240' W of the c/l Nuwood Drive
(2217 Powers Lane)
1st Election District
1st Council District

Russel Motor Cars, Inc.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 02-235-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Russel Motor Cars, Inc., by F. Steven Russel, President, through Leslie M. Pittler, Esquire. The Petitioners request a special hearing to approve business parking in a residential zone, pursuant to Section 409.8.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to include storage of unlicensed passenger motor vehicles and to permit stored vehicles to not have direct access to a drive aisle. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the request were Jim Branson and Mike Diskin, on behalf of Russel Motor Cars, Inc., property owners, Kenneth Colbert, Professional Engineer who prepared the site plan for this property, and Leslie M. Pittler, Esquire, attorney for the Petitioners. Boston F. Anderson, Jr., a nearby neighbor, appeared as an interested citizen. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the south side of Powers Lane at its intersection with Dlong Road, not far from Nuwood Road in Catonsville. The property contains a gross area of 2.3691 acres, more or less, split zoned D.R.16 (1.3055 acres) and B.R. (1.0636 acres), and is presently vacant. Although the property abuts Dlong Road and there are residences (Westerly Apartments) across from the site, the property is located immediately adjacent to a number of commercial uses. Immediately to the west

ORDER RECEIVED FOR FILING

Date

By

is a retail shopping center, known as the One Mile West Shopping Center. To the south is a large tract containing a building that was formerly used as a furniture store. The adjacent property to the east is owned and operated by the Petitioners as an automobile dealership, which features related accessory uses thereto, specifically, a 10-bay service building, parts department, etc. The Petitioners propose use of the subject property to provide parking/storage space for automobiles. As noted above, the property is presently unimproved; however, will be paved to accommodate a parking lot containing 320 spaces. The site plan shows that 150 spaces will be designated as employee parking and 170 spaces will be used for the storage of unsold automobiles. These automobiles will not be tagged nor registered, but will be part of Russel Motor Cars' inventory.

As noted above, the site is split zoned D.R.16 and B.R. The D.R. zoned portion of the property will contain 181 parking spaces (111 employee parking spaces and 70 storage spaces), and the B.R. zoned portion will feature 139 spaces (100 storage spaces and 39 employee parking spaces). The plan shows that a connection is proposed between the subject property and the adjacent lot so as to provide access/egress between these two properties. Vehicular access is also shown by way of a curb cut along Dlong Road.

Testimony offered by Mr. Colbert was that the proposal was necessary to accommodate the storage and parking needs of Russell Motor Cars, Inc. Mr. Colbert also noted that the neighborhood is generally commercial in nature, although acknowledging the existence of the Westerlee Apartments across Dlong Road from this site. He opined that the proposal would not detrimentally impact the health, safety or general welfare of the locale.

Mr. Anderson appeared and raised a number of questions regarding the use. Generally, he appeared satisfied as to the information received and is not opposed.

Counsel for the Petitioners also produced a letter (Petitioner's Exhibit 1) directed to the Westerlee Community Association, Inc. Apparently, Russell Motor Cars, Inc. has negotiated an agreement with that Association regarding the development of the site. The letter contains a number of conditions/restrictions on the proposal. At the request of all parties, these will be

OFFICE OF THE CLERK
2/25/22
J. J. [Signature]

incorporated into the relief granting the Petition for Special Hearing. In my judgment, they are appropriate and will insure minimal impact on the residential community near this site.

Zoning Advisory Committee (ZAC) comments were also received and reviewed at the hearing. A comment from the Bureau of Development Plans Review indicates that Dlong Road need be widened and its alignment may be slightly revised from the preliminary road drawings previously submitted. The Petitioners indicated a willingness to accommodate this request. A comment was also received from the Office of Planning. A portion of that comment relates to buffering and landscaping along Dlong Road. In this regard, it is to be noted that the Petitioners recently obtained zoning relief for an adjacent property from Deputy Zoning Commissioner Timothy Kotroco in Case No. 01-482-SPH. That case involved an adjacent property and is not the subject of the matter before me. Suffice it to say the Petitioner need comply with the requirements set out by Deputy Commissioner Kotroco in the Order issued in that case. However, it was indicated at the hearing that one such condition imposed by Deputy Commissioner Kotroco relates to fencing along the perimeter of the adjacent property. Apparently, it was agreed that the Petitioner would install a black vinyl, slatted chain link fence along that perimeter. In my judgment, a fence of that design would be effective in screening the subject property along its boundary at Dlong Road. Thus, as a condition to the grant of the relief herein, I will require that the Petitioner construct a similar fence along the rear of its property adjacent to Dlong Road. That is, the fence should be 8 feet in height, of chain link composition, slatted, and black vinyl in construction. Although the fence may feature barbed wire for security purposes, there shall be no razor wire. With the restrictions noted below, I believe that the use as proposed is appropriate and can be conducted without detrimental impact to the health, safety and general welfare of the surrounding locale. Thus, the Petition for Special Hearing shall be granted.

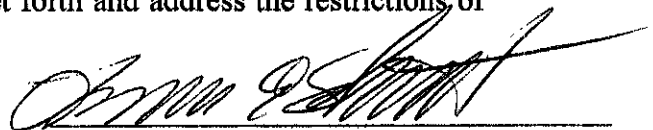
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of February, 2002 that the Petition for Special Hearing to approve business parking

ORDER RECEIVED FOR FILING
Date 2/23/02
By [Signature]

in a residential zone, pursuant to Section 409.8.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to include storage of unlicensed passenger motor vehicles and to permit stored vehicles to not have direct access to a drive aisle, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Access to Dlong Road will be gated so as to limit traffic on Dlong Road. Moreover, a "No Left Hand Turn" sign shall be installed at the exit from the site onto Dlong Road so as to require motorists to drive easterly towards Nuwood Drive and Baltimore National Pike and not Dlong Road, Powers Lane and the residential communities within. In addition, Russel Motor Cars, Inc. will advise its employees in writing that only those employees who live in the adjacent residential neighborhood may drive through that community when exiting the site.
- 3) Russel Motor Cars, Inc. will widen Dlong Road in accordance with the requirements of Baltimore County's Department of Public Works.
- 4) No car carriers shall be permitted to access the site from Dlong Road.
- 5) Petitioners shall fence the property with an 8-foot high, chain link fence, which is slatted and black vinyl in construction. Although the fence may have barbed wire for security purposes, there shall be no razor wire.
- 6) The Petitioners shall submit a landscape plan for review and approval by Mr. Avery Harden, Landscape Architect for Baltimore County. Said plan shall provide for landscaping along the rear of the site on Dlong Road to buffer the property from the adjacent residential uses.
- 7) All lighting shall be in accordance with Baltimore County regulations and designed to not reflect into adjacent properties.
- 8) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
2/1/2016
Baltimore County



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

February 22, 2001

Leslie M. Pittler, Esquire
29 W. Susquehanna Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
S/S Powers Lane at Dlong Road, 240' W of the c/l Nuwood Drive
(2217 Powers Lane)
1st Election District – 1st Council District
Russel Motor Cars, Inc. - Petitioners
Case No. 02-235-SPH

Dear Mr. Pittler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. F. Steven Russel, President, Russel Motor Cars, Inc.
6616 Baltimore National Pike, Baltimore, Md. 21228
Mr. Boston F. Anderson, Jr., 2138 Chantille Road, Catonsville, Md. 21228
Development Plans Review; People's Counsel; Case File





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at: 2217 Powers Lane
which is presently zoned D.R.-16

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

Business parking in a residential zone, in accordance with Section 409.8.B to include storage of unlicensed passenger motor vehicles and to permit stored vehicles to not have direct access to a drive aisle.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State Zip Code

Attorney For Petitioner:

Leslie M. Pittler, Esq.

Name - Type or Print

Signature

Company

29 W. Susquehanna Avenue

410-823-4455

Address

Telephone No.

City

Md. 21204

State Zip Code

Case No.

02-235-SPH

Legal Owner(s):

Russel Motor Cars, Inc., F. Steven Russel, President

Name - Type or Print

Signature

Name - Type or Print

Signature

6616 Baltimore National Pike

410-788-8400

Address

Telephone No.

Baltimore

Md. 21228

City

State Zip Code

Representative to be Contacted:

Kenneth J. Colbert, P.E.

COLBERT MATZ ROSENFELT, INC (eve.) 410-581-2282

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

JNP

Date 12/5/01

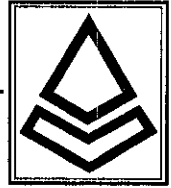
ORDER RECEIVED FOR FILING

Date

By

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION

RUSSEL MOTOR CARS, INC.
2217 POWERS LANE

BEGINNING AT A POINT ON THE SOUTHERN SIDE OF DLONG ROAD, OF VARIABLE WIDTH, 650 FEET MORE OR LESS WEST OF THE CENTERLINE OF NUWOOD ROAD; THENCE LEAVING SAID POINT OF BEGINNING AND RUNNING THE FOLLOWING COURSES AND DISTANCES

- 1) SOUTH 01 DEGREE 59 MINUTES 29 SECONDS WEST, 165 FEET;
THENCE
- 2) NORTH 83 DEGREES 48 MINUTES 55 SECONDS WEST, 356.41
FEET; THENCE
- 3) NORTH 01 DEGREE 59 MINUTES 29 SECONDS EAST, 155 FEET;
THENCE

TO A POINT ON THE AFOREMENTIONED SOUTHERN SIDE OF DLONG ROAD; THENCE BINDING ALONG SAID RIGHT-OF-WAY

- 4) SOUTH 85 DEGREES 11 MINUTES 31 SECONDS EAST, 91.91
FEET; THENCE
- 5) SOUTH 85 DEGREES 29 MINUTES 43 SECONDS EAST, 263.91
FEET

TO THE POINT OF BEGINNING.

CONTAINING 56,871 SQUARE FEET OR 1.3055 ACRES OF LAND MORE OR LESS. ALSO KNOWN AS 2217 POWERS LANE AND LOCATED IN THE 1ST ELECTION DISTRICT.



J:/99186-2/99186-2zoningdesc.doc

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0818C

DATE 12/5/01 ACCOUNT R-001-006-6150

AMOUNT \$ 50.00

RECEIVED
FROM:

Leslie Pittler P.S. (Russell Motor Cars)

FOR:

Special Hearing Petition
2217 Powers Lane (02-235-SPM)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
12/05/2001 12/05/2001 10:51:34

REI WSC4 CASHIER DDOL DMG DR WEP

RECEIPT # 166652

FOR DEPOSIT ONLY
\$50.00 OK
Baltimore County Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-235-SPH
2217 Powers Lane
S/S of Dlong Lane, 650' W
of Nuwood Road
1st Election District
1st Councilmanic District
Legal Owner(s): F. Steven Russell, Russel Motor Cars, Inc.
Special Hearing: to approve business parking in a residential zone, to include storage of unlicensed passenger motor vehicles.
Hearing: Thursday, January 31, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bayley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4388.

(2) For information concerning the file and/or hearing, Contact the Zoning Review Office at (410) 887-3391.

1/25/2 Jan. 17 C515594

CERTIFICATE OF PUBLICATION

1/17/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/17/, 2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 02-235-SPH

Petitioner/Developer: Russel Motor Cars

Date of Hearing/Closing: 1-31-02

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 2217 Powers Lane
Catonsville, MD 21228

The sign(s) were posted on January 11, 2002
(Month, Day, Year)

Sincerely,

Stacy Gardner 1-11-02
(Signature of Sign Poster and Date)

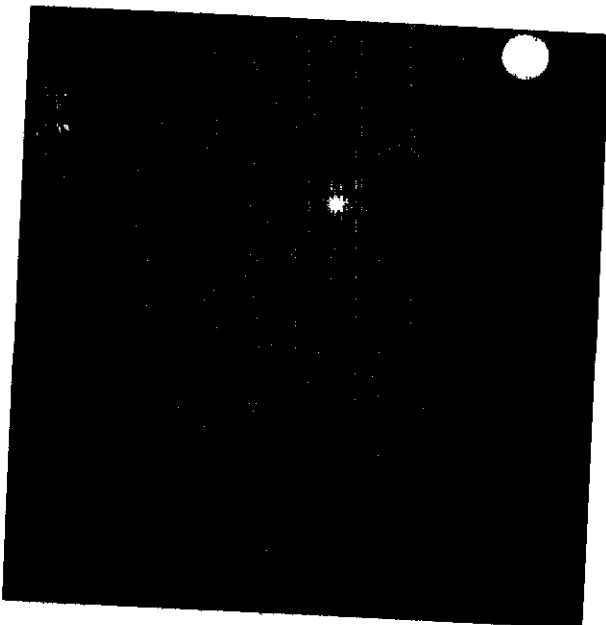
Stacy Gardner
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

(City, State, Zip Code)

410-781-4000

(Telephone Number)



CERTIFICATE OF POSTING

* Re-posting
(Original sign was stolen)

RE: Case No.: 02-235-SPH

Petitioner/Developer: _____

Russel Motor Cars

Date of Hearing/Closing: 1-31-02

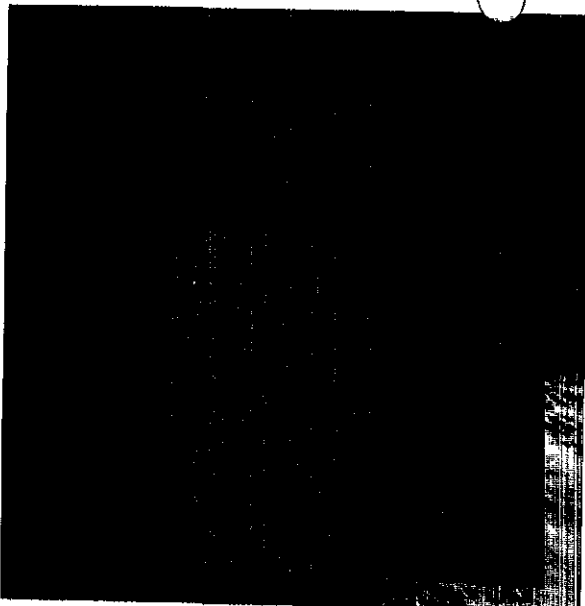
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 2217 Powers Lane
Catonsville, MD 21228

The sign(s) were posted on January 21, 2002
(Month, Day, Year)



Sincerely,

Stacy Gardner 1/21/02
(Signature of Sign Poster and Date)

Stacy Gardner

(Printed Name)

SHANNON-BAUM SIGNS INC.

105 COMPETITIVE GOALS DR.

ELDERSBURG, MD. 21784

(City, State, Zip Code)

410-781-4000

(Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 02-235-SPH

Petitioner: Russel Motor Cars, Inc.

Address or Location: ~~6612 Baltimore Avenue, Baltimore, MD 21228~~
2217 Powers Lane

PLEASE FORWARD ADVERTISING BILL TO:

Name: Leslie M. Piller, Esq.

Address: 29 W. Susquehanna Avenue
Ste. 610

Towson, Md. 21204

Telephone Number: 410-823-4455

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 17, 2002 Issue – Jeffersonian

Please forward billing to:

Leslie M. Pittler Esquire
29 W Susquehanna Avenue
Suite 610
Towson MD 21204

410 823-4455

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-235-SPH

2217 Powers Lane

S/S of Dlong Lane, 650' W of Nuwood Road

1st Election District – 1st Councilmanic District

Legal Owner: F. Steven Russel, Russel Motor Cars Inc

Special Hearing to approve business parking in a residential zone, to include storage of unlicensed passenger motor vehicles.

HEARING: Thursday, January 31, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt 672

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

January 4, 2002

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-235-SPH
2217 Powers Lane
S/S of Dlong Lane, 650' W of Nuwood Road
1st Election District – 1st Councilmanic District
Legal Owner: F. Steven Russel, Russel Motor Cars Inc

Special Hearing to approve business parking in a residential zone, to include storage of unlicensed passenger motor vehicles.

HEARING: Thursday, January 31, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon 672
Director

C: Leslie M. Pittler, Esquire, 29 W Susquehanna Avenue, Towson 21204
F. Steven Russel, Russel Motor Cars Inc, 6616 Baltimore National Pike,
Baltimore 21228
Kenneth J Colbert, Colbert Matz Rosenfelt Inc, 2835 Smith Avenue, Suite G,
Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 16, 2002.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 25, 2002

Leslie M Pittler, Esquire
29 W Susquehanna Avenue
Towson MD 21204

Dear Mr. Pittler:

RE: Case Number: 02-235-SPH, 2217 Powers Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 5, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: F Steven Russel, Russel Motor Cars Inc, 6616 Baltimore National Pike,
Baltimore 21228
Kenneth J. Colbert, Colbert Matz Rosenfelt Inc, 2835 Smith Avenue, Suite G,
Baltimore 21209
People's Counsel

Come visit the County's Website at www.co.ba.md.us



hs
1/31

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: January 24, 2002

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 7, 2002
Item No. 235

The Bureau of Development Plans Review has reviewed the subject zoning item.

Public road drawings for the proposed road widening will be required. The alignment may have to be slightly revised.

RWB:HJO:jrb

cc: File

3



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

January 4, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 31, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

221, 222, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234,

235, 236, 237, 238, 239, and 240

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us

1/31

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: January 25, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

JAN 29 2002

SUBJECT: 2217 Powers Lane

INFORMATION:

Item Number: 02-235

Petitioner: Russell Motor Cars, Inc.
c/o Steve Russell, President

Zoning: DR 16

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The proposal to provide storage parking in a residential zone appears to be in conflict with the intent of Section 409.8.B of the BCZR (Business or industrial parking in residential zones). Section 409.8.B.1 indicates that the regulations for business or industrial parking in residential zones are intended to apply to parking facilities that will be used to meet the requirements of Section 409.6 (Required number of parking spaces). Parking for storage purposes appears to be inconsistent with the intent of Section 409.8B of the BCZR.

The adjacent property (2219 Powers Lane) is currently owned by the petitioner, and was the subject of Zoning Case # 01-482-SPH. The Deputy Zoning Commissioner order relevant to this case dictated that the type of fencing to be installed along the rear of the parking lot should be approved by the Office of Planning. Notwithstanding the Zoning Commissioner's order, the petitioner has installed a fence that was not reviewed and/or approved by the Office of Planning. Additionally, the petitioner has failed to install a 5' landscape buffer along the outside of the fence.

The Office of Planning recommends that no action be taken on the subject request associated with 2217 Powers Lane until the petitioner has fully complied with all conditions specified in Zoning Case No. 01-482-SPH. This office is concerned that the petitioner will erect a fence similar to the 8' high chain link fence with red slats, topped with barbed wire at 2219 Powers

Lane. The proposed new fence would be highly visible from Dlong Road and the Westerlee Apartments.

Should the request be granted, a landscaping and lighting plan should be submitted to Avery Harden for review and approval prior to the issuance of any building permits or the erection of a fence.

Prepared by: Mark A. Campbell

Section Chief: Jeffrey W. Long

AFK:MAC:



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 1.2.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. [REDACTED]

JHP

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
2217 Powers Lane, S/S Dlong Ln,
650' W of Nuwood Rd
1st Election District, 1st Councilmanic


Legal Owner: Russell Motor Cars, Inc.
Petitioner(s)

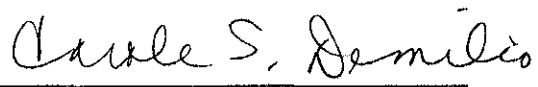
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-235-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of January, 2002 a copy of the foregoing Entry of Appearance was mailed to Leslie M. Pittler, Esq., 29 W. Susquehanna Avenue, Suite 610, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: January 3, 2002

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 236 (02-236-SPHXA)
Legal Owner/Petitioner: William Parisi, President
Property Address: 9423 Belair Rd.
Location Description: E/S Belair Rd. N. of Halbert Avenue

VIOLATION INFORMATION: **Case No.: 01-4790**
Defendants: William Parisi, President

Please be advised that the aforementioned petition is the subject of an active violation case.

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Complaint Intake Form/Code Enforcement Officer's report and notes
State Tax Assessment printout
Code Enforcement Closing Report

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/scj

c: Code Enforcement Officer Thompson

Code Enforcement - Closing Report

Inspector -		Activity		Date Closed		7/27/2001
Area Case #	Location	Apt	Zip	Date Rec	Reinsp Dt	
005 01-4790	9423 BELAIR RD		21236	7/20/2001		
Tax Acct #: 1117010100						

Complainant Name:	(Last)	ACKARD	(First)	DENNIS		
Addr:	39		BANKERT AVE			
	Str #	Dir	Street Name		Type	Apt
			21128			
	City		ST	Zip		
Phone:	(Home)	410/256-6871	(Work)			

Problem: LIGHT COMING INTO HIS BEDROOM

AINANT IS FROM PERRRY HALL IMPROVEMENT ASSOCIATION

Notes:

07/23/01 COMMERCIAL PROPERTY. THERE IS A LIGHT ON SIDE OF BUILDING. LISTED COMPLAINANT LIVES 2-MILES AWAY. KNOCKED ON DOOR ON HOUSE ACROSS STREET ON HALBERT BUT NO ANSWER. AS I LEFT A CARD A WOMAN CAME TO DOOR. PER HER, MAYBE HUSBAND ASKED HE CALL ME FOR INSPECTION AROUND 10:00PM. GREG JONES CALLED ME, HE IS THE ONE WHO COMPLAINED. GIVE TO DEREK FOR MORE RESEARCH. ZONING RO. DP/JF. **07/27/01 MY INSPECTION OF 7/23/01 SHOWED PARKING IN REAR AND THIS LIGHT IS ON SIDE. SINCE THE BCZR REFERS TO LIGHTS FOR PARKING. I MUST CLOSE AS NO VIOLATION. COPY OF THIS TO COMPLAINANT. CASE CLOSED. DP/JF ***

DATE: 07/19/2001

STANDARD ASSESSMENT INQUIRY (1)

RA1001B

TIME: 14:09:45

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE
11 17 010100 11 1-1 06-00 N NO 01/08/01

1ST PREFERENCE MORTGAGE CORP

DESC-1.. IMPS.307 AC

DESC-2.. NE COR HALBERT AVE

9309 BELAIR RD

PREMISE. 09423 BELAIR

RD

00000-0000

BALTIMORE

MD 21236-1608 FORMER OWNER: JONES ORVILLE M

----- FCV -----		----- PHASED IN -----		
PRIOR	PROPOSED	CURR	CURR	PRIOR
LAND: 123,380	95,800	FCV	ASSESS	ASSESS
IMPV: 93,820	125,400	TOTAL.. 218,533	218,533	86,880
TOTL: 217,200	221,200	PREF... 0	0	0
PREF: 0	0	CURT... 0	0	0
CURT: 0	0	EXEMPT.	0	0
DATE: 01/97	10/00			

----- TAXABLE BASIS -----	FM DATE
01/02 ASSESS: 218,533	11/09/00
00/01 ASSESS: 86,880	06/01/00
99/00 ASSESS: 82,760	06/04/99

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

DE ENFORCEMENT REPC

NCF

DATE: 7 20 01 INTAKE BY: HJ CASE #: 01-4790 INSPEC: 5

COMPLAINT LOCATION: 9423 Belair Rd

ZIP CODE: 21236 DIST:

COMPLAINANT NAME: Dennis Ackard/Perry Hill Improv Assoc PHONE #: (H) 410-256-6871 (W)

ADDRESS: 39 Bankert Ave ZIP CODE: 21128

PROBLEM: light coming into his bedroom

IS THIS A RENTAL UNIT? YES NO

IF YES, IS THIS SECTION 8? YES NO

OWNER/TENANT INFORMATION:

TAX ACCOUNT #: 11-17-010100 ZONING:

INSPECTION:

REINSPECTION:

REINSPECTION:

REINSPECTION:

29 January, 2002

Architecture

Urban Design

Planning

Baltimore County
Office of Planning and Zoning
Mr. Wertz
Towson MD

Re: Russel Motors, application for rezoning of residential lot on Powers Lane for automotive storage lot for unregistered vehicles. Case ZAK 02-235-SPH

Dear Mr. Wertz,

Thank you for your considerations in this matter. The Westerlee Community Association's Board met on the above matter and you will hear from the President in a separate letter. The WCA is not principally opposed to the Russell application but requests optimal buffer measures for minimal visual impact on neighboring residential uses and Delong Road as the gateway to the neighborhood.

As a board member, resident and design professional I have since investigated the existing conditions in more detail and have the following suggestions to minimize the visual impact to be placed as conditions at the hearing on 1/31/02:

- Widening the section of Delong Road along the lot in question to the same width as along the shopping center appears to be excessive, would eliminate most of the buffer and invite speeding. County requirements should be modified to about 12' lanes (an increase of about 2' for each lane) along the lot in question. Striping on either end of the widening needs to be modified to match the new lane width.
- The planting buffer along the easterly portion of the lot against the shopping center should remain and be increased with new landscaping
- A planting buffer should remain between the existing Russel storage lot and the extension. The purpose of the buffers would be to save existing vegetation and to provide visual relief for the large expanse of paved parking lot resulting from the extension. Russell should be held to landscaping requirements in effect for parking lots. Internal islands requirements could be converted to perimeter landscaping as described above.
- Grading should be such that the lot area would be lower than Delong Road to reduce visual impact from Delong Road. (Cut northerly portion of lot and fill southerly portion of lot.)
- All Russell lots should remain internally connected with driveways to minimize vehicle movements on Powers Lane and Delong.



Excessive lane width of Delong Road along shopping center



Current lanes along unimproved lot and widened road beyond.



Current vegetation would be suitable to be saved as a vegetated landscape buffer between the existing and proposed Russel lots



Full road widening would eliminate a large are of possible landscaping in front of fence. Current lot is on a higher shelf. Proposed lot should be on dropped grade.



Existing buffer between unimproved lot and shopping center

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

MARCIA AMES

CATONSVILLE TIMON

757 Frederick Rd

CATONSVILLE, MD 21028

BOSTON F. ANDERSON, JR.

2138 Chantilla Rd

CATONSVILLE, MD 21228

MIKE DISKIN

2520 BEAR RUN Rd

TANGETTOWN, MD 21787

TIM BRANSON

316 Cockeysmill Rd

ROBTVERSTOWN MD 21136

Russel
Motors



Leslie M Pittler P.A.

Attorney at Law

Suite 610

29 West Susquehanna Ave

Towson, Maryland 21204

DECEMBER 19, 2001

Telephone: 410-823-4455

Fax: 410-583-7611

Mr. Frederick H. Kirk
President
Westerlee Community Association, Inc.
21225 Fernglen Road
Catonsville, Maryland 21228

Re: Russel Motor Cars Inc.
Special Hearing

Dear Mr. Kirk:

This letter will serve to confirm our recent meetings with you and representatives from the Westerlee Community Association and the agreement which we have reached concerning the Petition filed by Russel Motor Cars, Inc. for business parking in a residential zone in accordance with Section 409. 8. B. (Baltimore County Zoning Regulations) to include storage of unlicensed passenger motor vehicles and to permit stored vehicles to not have direct access to a drive aisle. A copy of this petition having been given to you at our meeting on Tuesday, December 18, 2001.

Russel Motor Cars Inc. hereby agrees to the following, which I will request that the Zoning Commissioner incorporate into his Order:

- A. Russel will advise all of its employees by memorandum that they are not to drive through the adjacent residential neighborhood when exiting the site which is the subject of this hearing, except for those employees who live in the immediate neighborhood.
- B. A "no left hand turn" sign will be placed at the exit of this site.
- C. No "car carriers" will be permitted to access the site from Dlong Road.
- D. Russel Motor Cars Inc. will widen Dlong road in accordance with Baltimore County specifications and in keeping with plans approved by Baltimore County.

Westerlee Community Association hereby agrees that in return for the above conditions it will advise the Zoning Commissioner at the hearing or by the signing of this letter that it is in favor of the Petition and plan filed by Russel Motor Cars, Inc.

Petition No 1

Page 2 -Agreement with Westerlee Community Association, Inc.

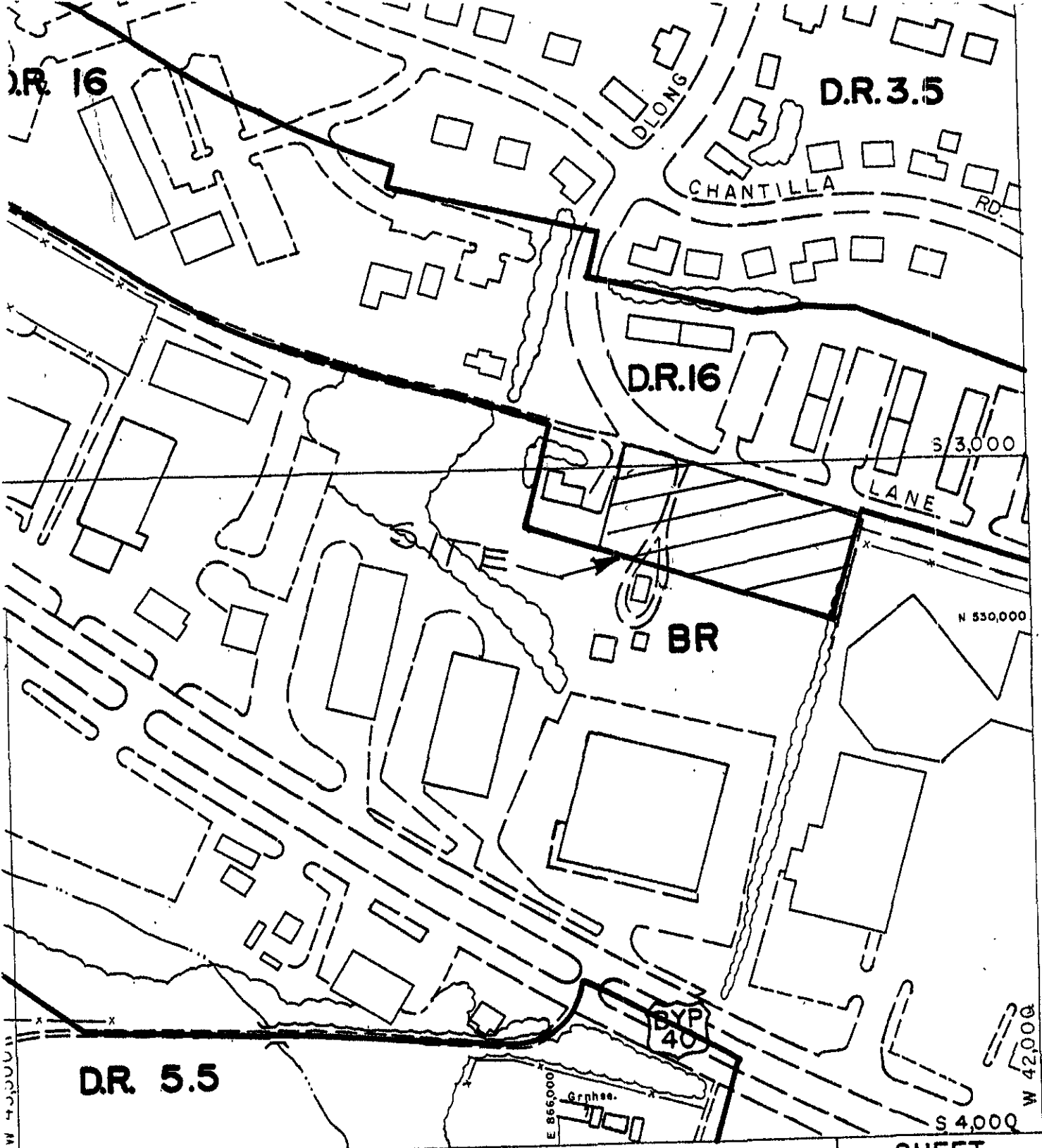
Frederick H. Kirk

Frederick H. Kirk
President
Westerlee Community Association, Inc.

12/20 01 (Date)

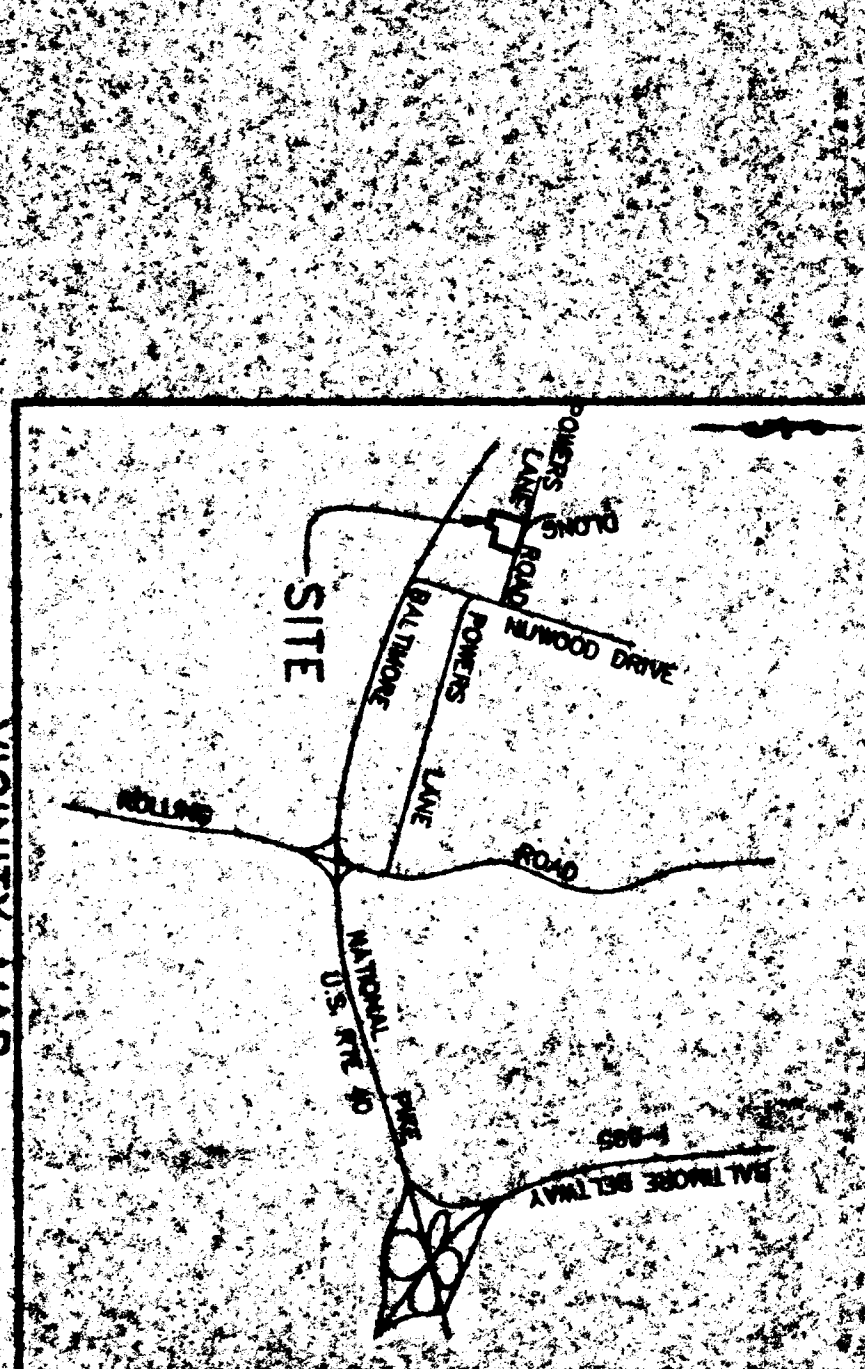
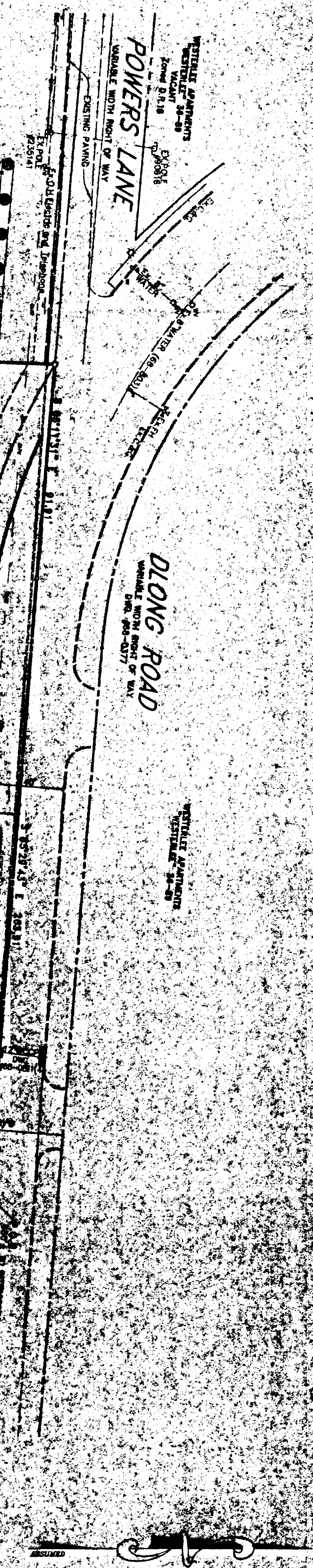
Very truly yours,

Leslie M. Pittler



SCALE 1" = 200' ±	LOCATION CATONSVILLE AREA	SHEET S.W. I-H
DATE OF PHOTOGRAPHY JANUARY 1986		

02-235-SPH



GENERAL NOTES

- OWNER/APPPLICANT:
RUSSEL MOTOR CARS, INC.
STEVEN RUSSEL, PRES.
801 BALTIMORE NATIONAL BKE
BALTIMORE, MD 21202
TEL. 410-328-1400
- PROPERTY ADDRESS:
2217 POWERS LANE
BALTIMORE, MD 21228-8009
FARCE 177
DEED REFERENCE 16504/189
FV DEC. 10, 1973 P. 16504/177
FV DEC. 10, 1973 P. 16504/177
- SITE AREA:
GROSS AREA 101,200 SQ. FT. OR 2.32 AC.
NET AREA 79,120 SQ. FT. OR 1.82 AC.
- ZONING:
GROSS AREA 101,200 SQ. FT. OR 2.32 AC.
NET AREA 79,120 SQ. FT. OR 1.82 AC.
1"=50' SCALE FOR ZONING MAP ONLY
ZONING DISTRICT: 1-1
ZONING MAP: DISTRICT 1-1
- EXISTING LAND USE: VEHICLE PARKING LOT
- PROPOSED LAND USE: VEHICLE PARKING LOT
- PARKING PROVIDED WITHIN OR TO ZONE:
EMPLOYEE PARKING - 111 SPACES
STORAGE PARKING - 70 SPACES
WORKING PROVIDED WITHIN OR ZONE:
EMPLOYEE PARKING - 30 SPACES
STORAGE PARKING - 70 SPACES
TOTAL PARKING PROVIDED:
EMPLOYEE PARKING - 141 SPACES
STORAGE PARKING - 140 SPACES
- WATER: NO STREAMS, WETLANDS, BODIES OF WATER, SPRINGS, FLOOD PLAINS, CRITICAL AREAS, FOREST BUFFERS, PROTECTED LOCAL RIES, ENDANGERED SPECIES, HISTORIC LANDMARKS, OR NATIONAL BUILDINGS ON THE SITE.
- PREVIOUS CONVEYANCE: REMAINS NONE
- EXISTING IMPROVEMENTS:
NO PREVIOUS CONVEYANCE CASES ON THIS PROPERTY

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING

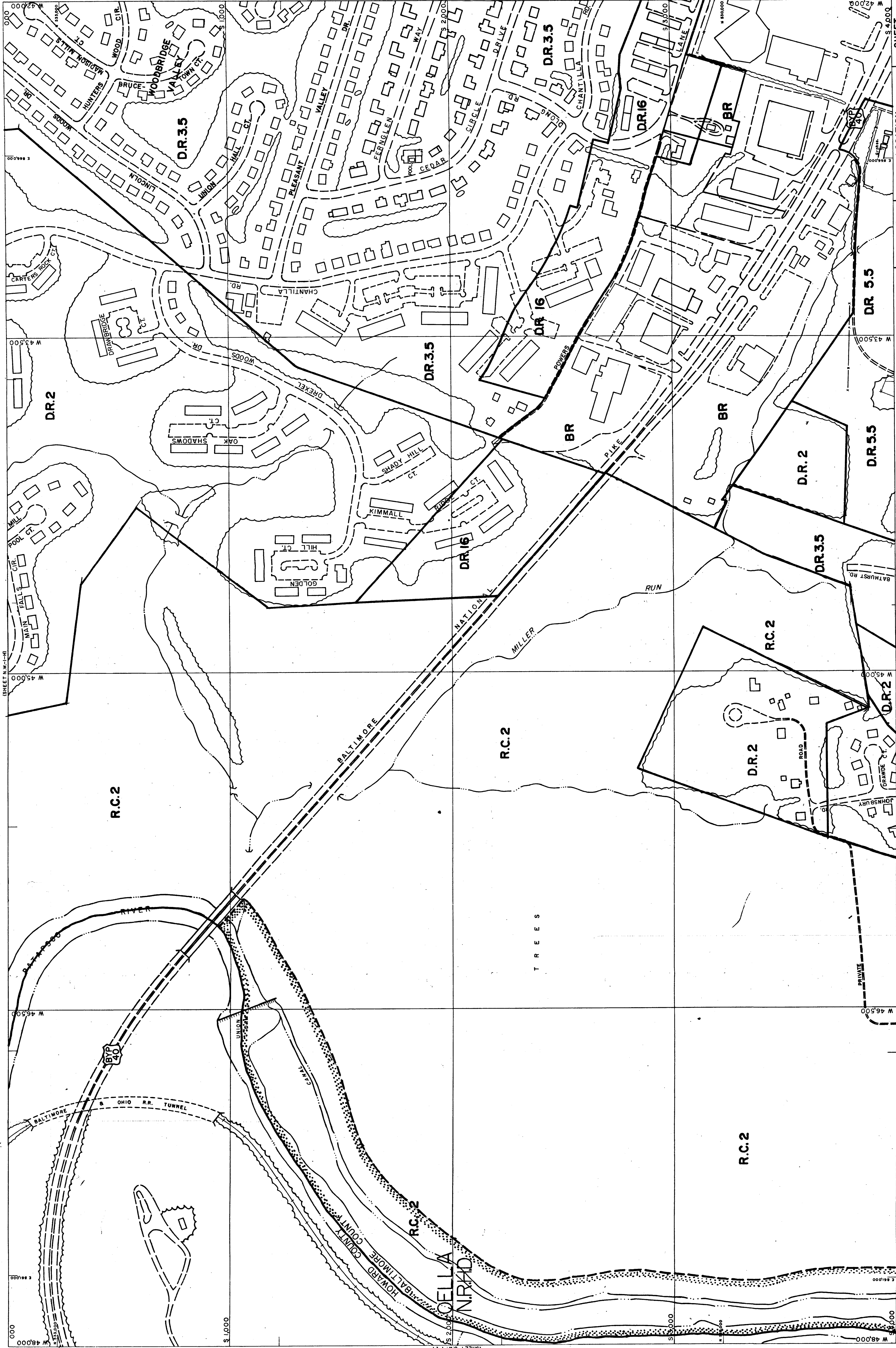
RUSSEL MOTOR CARS, INC.
RUSSEL, BMW
#227 Powers Lane

ELECTION, DISTRICT 1, C-1
BALTIMORE COUNTY, MARYLAND

Robert Metz Foundation, Inc.
Engineer's Building 1, Baltimore
2035 Smith Avenue, Suite 2
Baltimore, Maryland 21206
Telephone: (410) 863-1839
Facsimile: (410) 863-1839

NO.	DATE	REVISION	BY	CHKD.
1	10/1/80	PRELIMINARY	RUSSEL	
2	10/1/80	REVISED	RUSSEL	
3	10/1/80	REVISED	RUSSEL	
4	10/1/80	REVISED	RUSSEL	
5	10/1/80	REVISED	RUSSEL	
6	10/1/80	REVISED	RUSSEL	
7	10/1/80	REVISED	RUSSEL	
8	10/1/80	REVISED	RUSSEL	
9	10/1/80	REVISED	RUSSEL	
10	10/1/80	REVISED	RUSSEL	

- ### NOTES:
- EXISTING STRUCTURE IS TO BE DEMOLISHED AS TO REFLECT THE LIGHT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS. LIGHT STANDARDS WILL BE PROTECTED FROM VEHICULAR TRAFFIC BY CURBING AND LANDSCAPING. EXISTING LIGHTING WILL BE ELIMINATED FROM DUSK UNTIL 10:00 PM. SECURITY LIGHTING WILL REMAIN ILLUMINATED UNTIL DAWN.
 - THE PARKING LOT WILL BE OPEN FOR EMPLOYEE USE FROM 7:00 AM TO 6:00 PM. STORAGE SPACES WILL BE USED 24 HOURS PER DAY, SEVEN DAYS PER WEEK.
 - THERE WILL BE NO LOADING, UNLOADING, OR ANY USE OTHER THAN PARKING AND STORAGE OF UNLICENSED PASSENGER MOTOR VEHICLES. THERE WILL BE NO DELIVERY OF NEW VEHICLES. THERE WILL BE NO VEHICLE SALES OR DISPLAY OF VEHICLES FOR SALE. NO DAMAGED OR DISABLED VEHICLES WILL BE PERMITTED IN THIS LOCATION.
 - EMPLOYEE PARKING AND STORAGE OF UNLICENSED PASSENGER MOTOR VEHICLES WILL BE PERMITTED PARALLEL TO THE REQUESTED SPECIAL HEARING.
 - NO NEW SIGNAGE IS PROPOSED WITH THIS PLAN. ANY SIGNS WILL COMPLY WITH SECTION 160 OF THE ZONING.
 - SCHEDULING SHALL BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL.
 - A DRAINAGE AND DISTURBANCE SURFACE WILL BE PROVIDED AND WILL BE PROPERLY MAINTAINED SO AS NOT TO CREATE ANY UNDESIRABLE CONDITIONS.
 - ALL PARKING SPACES WILL BE STRIPED. STRIPING WILL BE MAINTAINED AS TO REMAIN USABLE.



2000 COMPREHENSIVE ZONING MAP

ADOPTED BY

THE BALTIMORE COUNTY COUNCIL

OCTOBER 10, 2000

Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.

TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS

BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

L-SW

L-SE

H-NW

H-NE

DATE OF PHOTOGRAPHY

JANUARY 1986

SCALE

1" = 200'

LOCATION

CATONSVILLE AREA

SHEET

S.W.

I-H

BALTIMORE COUNTY

OFFICE OF PLANNING AND ZONING

OFFICIAL ZONING MAP

99186.2